

EXHIBIT E

Special Master's Hearing May 1, 2014

Telephonic

Page 1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3

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CERTIFIED
COPY

5 DANIEL SMALL, CAROLYN SMALL,)
6 WILLIAM CURTIN, DAVID COHEN,)
7 LANETTE LAWRENCE, and LOUISE)
8 COLLARD, Individually, and on)
9 Behalf of All Other Persons)
10 Similarly Situated,)

11

12 Plaintiff,)

13

14 vs.)

15

16 UNIVERSITY MEDICAL CENTER OF)

17 SOUTHERN NEVADA,)

18

19 Defendant.)

20

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22 REPORTER'S TRANSCRIPT OF SPECIAL MASTER'S HEARING

23 HEARD TELEPHONICALLY BEFORE

24 SPECIAL MASTER PRESIDING, DANIEL GARRIE, ESQ.

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Taken on Thursday, May 1, 2014

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At 4:06 p.m.

2

At Lewis Brisbois Bisgaard & Smith, LLP

3

6385 South Rainbow Boulevard

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Suite 600

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Las Vegas, Nevada

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25 Reported By: Gale Salerno, RMR, CCR No. 542

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1 APPEARANCES:

2 For the Plaintiffs: (Present Telephonically)

3 JON A. TOSTRUD, ESQUIRE
4 ANTHONY CARTER, ESQUIRE
Tostrud Law Group
1925 Century Park East, Suite 2125
5 Los Angeles, California 90067
(310) 278-2600
6 jtostrud@tostrudlaw.com

7
8 MARC L. GODINO, ESQUIRE
Glancy Binkow & Goldberg, LLP
1925 Century Park East, Suite 2100
9 Los Angeles, California 90067
(310) 201-9105
10 mgodino@glancylaw.com

11

12 For the Defendant:

13 CAYLA J. WITTY, ESQUIRE
14 MARGARET G. FOLEY, ESQUIRE
Lewis Brisbois Bisgaard & Smith, LLP
6385 South Rainbow Boulevard, Suite 600
15 Las Vegas, Nevada 89118
(702) 893-3383
16 cayla.witty@lewisbrisbois.com

17

Also Present: (Present Telephonically)

18

19 DOUGLAS E. FORREST, ESQUIRE, ILS
MR. JOSEPH EDMONDSON

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EXHIBITS

22

Hearing

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Exhibit 1

E-Mail from Doug Forrest dated
April 30, 2014, RE: UMC
Deadline

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1 hour and done.

2 Let's go off the record. Strike the last
3 comment.

4 (A discussion was held off the record.)

5 SPECIAL MASTER GARRIE: Mr. Espinoza, I'm
6 not going to reorder him to appear, because I have
7 had everything answered.

8 I do request that there will be two points
9 of additional clarification to his affidavit that was
10 submitted. But I'm going to deny the request to have
11 Mr. Espinoza added.

12 I am going to still order Ms. Panzeri to
13 appear unless it's -- unless it's materially
14 disruptive to the operations of UMC for her to take
15 an hour out of her day, and then we'll conduct
16 another separate hearing at a later date and time.

17 Counsel for UMC, please let me know by end
18 of business Friday if it will truly be that
19 disruptive.

20 MS. FOLEY: Understood.

21 SPECIAL MASTER GARRIE: I would certainly
22 like to avoid having to -- and there are additional
23 questions I have, as Counsel Witty pointed out. But
24 my specific questions revolve around the collection
25 effort, how she was involved, when she found notice

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1 of preservation, who provided it to her, what's
2 available to her, and I would like to hear directly
3 from her, given that she is one of the key custodians
4 involved.

5 I'm not looking to take more than 45
6 minutes of her time. Okay?

7 MS. FOLEY: Understood.

8 SPECIAL MASTER GARRIE: If it's disruptive,
9 we'll figure out a different way to do it.

10 Okay, confidentiality of ESI productions.

11 Counsel for UMC, your turn.

12 MS. WITTY: So with regard to topic number
13 two on the suggested agenda -- and this is something
14 that we might want to address on a larger scale. The
15 ESI -- the amended ESI protocol proposed order at
16 this point, because I don't believe it's been signed,
17 there are two issues. One, is this topic on the
18 agenda, confidentiality.

19 Per the ESI order, the items that would be
20 marked confidential should be burned into the image
21 with a confidential stamp.

22 However, in review of the ESI productions,
23 the vast majority, if not all of these e-mails,
24 contain information relating to individual employees,
25 nonparty employees, business plan management, other

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1 REPORTER'S CERTIFICATION

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3 I, GALE SALERNO, a certified court
4 reporter and notary public within and for the State
5 of Nevada, do hereby certify that I reported in
6 shorthand the proceedings in the above-entitled
7 matter at the time and place indicated, and that
8 thereafter said shorthand notes were transcribed into
9 typewriting at and under my direction, and the
10 foregoing transcript constitutes a full, true, and
11 accurate record of the proceedings.


12 IN WITNESS WHEREOF, I have hereunto
13 set my hand this 4th day of May, 2014.

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GALE SALERNO, RMR, CCR No. 542

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